

Suspend the Rules and Pass the Bill, H.R. 5333, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
2^D SESSION

H. R. 5333

To amend the Small Business Investment Act of 1958 to exclude from the limit on leverage certain amounts invested in smaller enterprises located in rural or low-income areas and small businesses in critical technology areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 1, 2023

Mr. MEUSER (for himself and Ms. SCHOLTEN) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Investment Act of 1958 to exclude from the limit on leverage certain amounts invested in smaller enterprises located in rural or low-income areas and small businesses in critical technology areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Investing in All of
5 America Act of 2023”.

1 **SEC. 2. SBIC MAXIMUM LEVERAGE EXCLUSION.**

2 (a) DEFINITIONS.—Section 103(9) of the Small
3 Business Investment Act of 1958 (15 U.S.C. 662(9)) is
4 amended—

5 (1) in subparagraph (A)(ii), by striking “and”
6 at the end;

7 (2) in subparagraph (B)(iii)—

8 (A) in subclause (I), by striking “estab-
9 lished prior to October 1, 1987”;

10 (B) in subclause (II)—

11 (i) by striking “or” and inserting “,”;

12 and

13 (ii) by inserting “, or a foundation,
14 endowment, or trust of a college or univer-
15 sity” after “pension plan”; and

16 (C) in subclause (III), by striking the
17 semicolon at the end and inserting “; and”; and

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(C) does not include any funds obtained
21 directly or indirectly from any Federal, State or
22 local government or any government agency or
23 instrumentality, except for funds described in
24 subclauses (I) through (III) of subparagraph
25 (B)(iii), for the purpose of approval by the Ad-
26 ministrator of any request for leverage.”.

1 (b) IN GENERAL.—Section 303(b)(2) of the Small
2 Business Investment Act of 1958 (15 U.S.C. 683(b)(2))
3 is amended—

4 (1) in subparagraph (A)(i), by striking “300”
5 and inserting “200”;

6 (2) in subparagraph (C)—

7 (A) in the heading—

8 (i) by inserting “OR RURAL” after
9 “LOW-INCOME”; and

10 (ii) by inserting “OR CRITICAL TECH-
11 NOLOGY AREAS” after “GEOGRAPHIC
12 AREAS”;

13 (B) in clause (i)—

14 (i) by striking “(i) In calculating” and
15 inserting the following:

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (iii), in calculating”;

18 (ii) by inserting “or companies” after
19 “of a company”;

20 (iii) by striking “subparagraph (A)”
21 and inserting “subparagraphs (A) and
22 (B)”;

23 (iv) by striking “equity”;

24 (v) by striking “the company in a
25 smaller enterprise” and all that follows

1 and inserting the following: “the company
2 or companies in—

3 “(I) a smaller enterprise located
4 in a low-income geographic area (as
5 defined in section 689 of this title) or
6 in a rural area; or”;

7 (vi) by adding at the end the following
8 new subclause:

9 “(II) a small business concern in
10 an area of critical technology (as de-
11 fined in section 4801 of title 10,
12 United States Code) vital to maintain-
13 ing the national security of the United
14 States.”;

15 (C) by amending clause (ii) to read as fol-
16 lows:

17 “(ii) **LIMITATION.**—While maintaining
18 the limitation of subparagraph (A)(i) and
19 consistent with a leverage determination
20 ratio issued pursuant to section 301(c), the
21 aggregate amount excluded for a company
22 or companies under clause (i) from the cal-
23 culation of the outstanding leverage of
24 such company or companies for the pur-
25 poses of subparagraphs (A) and (B) may

1 not exceed the lesser of 50 percent of the
2 private capital of such company or compa-
3 nies or \$125,000,000.”; and

4 (D) by amending clause (iii) to read as fol-
5 lows:

6 “(iii) PROSPECTIVE APPLICABILITY.—
7 An investment by a licensee is eligible for
8 exclusion from the calculation of out-
9 standing leverage under clause (i) only if
10 such investment is made by such licensee
11 after the date of enactment of the Invest-
12 ing in All of America Act of 2023.”; and

13 (3) by adding at the end the following new sub-
14 paragraphs:

15 “(E) ANNUAL ADJUSTMENT.—The Admin-
16 istrator shall adjust the dollar amounts de-
17 scribed in subparagraphs (A) and (B)—

18 “(i) on the date of the enactment of
19 this subparagraph, by a percentage equal
20 to the percentage (if any) by which the
21 Consumer Price Index (all items; United
22 States city average), as published by the
23 Bureau of Labor Statistics, increased dur-
24 ing the period—

1 “(I) beginning on December 18,
2 2015, and ending on the date of the
3 enactment of this subparagraph, for
4 subparagraph (B); and

5 “(II) beginning on June 21,
6 2018, and ending on the date of the
7 enactment of this subparagraph, for
8 subparagraph (A); and

9 “(ii) on the date that is one year after
10 the date of the enactment of this subpara-
11 graph, and annually thereafter, by a per-
12 centage equal to the percentage (if any) by
13 which the Consumer Price Index (all items;
14 United States city average), as published
15 by the Bureau of Labor Statistics, in-
16 creased during the one-year period pre-
17 ceding the date of the adjustment under
18 this clause.”.

19 (c) REPORT.—Not later than June 30 of the first
20 year beginning after the date of the enactment of this Act,
21 and annually thereafter, the Administrator of the Small
22 Business Administration shall submit to the Committee on
23 Small Business and Entrepreneurship of the Senate and
24 the Committee on Small Business of the House of Rep-
25 resentatives a report on the results of the exclusion under

1 subparagraph (C) of section 303(b)(2) of the Small Busi-
2 ness Investment Act of 1958 (15 U.S.C. 683(b)(2)), as
3 amended by subsection (a), including the economic activity
4 generated and jobs directly and indirectly created by the
5 exclusion.